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IN THE UNITED STATES DISTRICT COURT
FOR THE ^{2005 NOV 23} ~~WEST~~ DISTRICT OF ALABAMA

~~NORTHERN DISTRICT~~

ERRATA LEON GARNES

PETITIONER,

v.

Civil Action No. 2:05-CV-0032-T
(LD)

LEONARD BARNARD

Defendant

Subpoena

Motion to Amend Objection

Comes now, ERIC LEON GARNES, Petitioner
in the above cause and case pursuant
to Federal Rules of Court, asking
this Honorable Court to allow him
to amend his objection for the
following reasons:

1) Petitioner had until November
21, 2005 to file his objection.
Due to the administration un-
predictability in allowing correct-
ion inmates low library access,
petitioner did not have access
to books needed to properly
submit his objection. Petitioner
submitted a library request
November 10, 2005, but did not

RECEIVE ACCESS TO MATERIALS
IN ORDER TO REVIEW CITATIONS
UNTIL NOVEMBER 18, 2005. PETITIONER
WANTS TO AMEND OBJECTION
AS FOLLOWS:

OBJECTIONS

THE DISTRICT COURT MADE ITS
DECISION FOR SUMMERS DISMISSAL
HEAVILY ON SANDINIA CONVER 515 U.S.
AFTER REVEALING THIS CASE CITED
PETITIONER DISCOVERED MANY
SIMILARITIES TO HIS COMPLAINT.

GRIMES LOST 2 YEARS GOOD TIME
CREDITS WHICH EXTENDED HIS
STAY IN PRISON (8) EIGHT MONTHS
AND HE WAS ALSO RECLASSIFIED
CHANGING HIS CUSTODY FROM
LEVEL (4) GENERAL POPULATION TO
LEVEL (6) MAXIMUM CUSTODY AND
PLACED IN SEGREGATIONAL CONFIN-
EMENT WHERE HE REMAINS EVEN
NOW WAITING TRANSFER TO
MAXIMUM SECURITY PRISON.

IN SANDINIA AT 515 U.S. 493 (1995)

THE COURT STATED THAT DEPRI-
VATIONS THAT ARE SEVERE OR MORE
(2)

Closely Related to the original terms of confinement nonetheless will amount to deprivations of procedurally protected liberty. Provide that state law (including prison regulations) narrowly cabins the legal power of authorities to impose the deprivations (thereby leaving the inmate a kind of right to discuss it) See Hewitt v. Helms, 459 U.S. 460, 471-72, 74 L.Ed.2d 265, 103 S.Ct. 814 (1983) ("Liberty interest created by regulations" requiring that administrative segregation will not occur absent specific substantive predicates). The respondents violated petitioner's due process when they failed to serve charge as stipulated by Regulation 403 III, A & D.

IN GARDIN ID. AT 476-477, THE COURT OF APPEALS FOR THE NINTH CIRCUIT REVERSED JUDGMENT. CONNER V. BOLAR 15 F.3d 1463 (1993). It concluded that CONNER had a
(3)

LIBERTY INTEREST IN REMAINING
FREE FROM DISCIPLINARY DEPRIVATION."

GAINES TOO WAS PLACED IN
DISCIPLINARY DEPRIVATION FOR 45 DAYS.

THE COURT OF APPEALS GOES ON TO
STATE THAT

"THE DISCIPLINARY CLAUSE ITSELF
DOES NOT CREATE A LIBERTY INTEREST
IN CREDIT FOR GOOD BEHAVIOR, BUT
THAT THE STATUTORY PROVISION
CREATED A LIBERTY INTEREST IN A
"A SHORTENED PRISON SENTENCE"
WHICH RESULTS FROM GOODTIME
CREDITS, ID. AT 557, 41 L ED 2D 935,
94 S. CT. 2963.

THE REVOCATION OF 2 YEARS GOODTIME
CREDITS EXTENDED GAINES RELEASE
DATE BY (8) EIGHT MONTHS. THE COURT
CONCLUDED THAT GAINES' DEPRIVATION
WAS SIGNIFICANT AND THEREFORE
GAINES' DEPRIVATION SHOULD BE
CONSIDERED AS WELL. GAINES, 515
21 S. 502 (1995).

CONCLUSION

RESTITUTION OBJECTION SHOULD
BE SUSTAINED BASED ON COURTS
(4)

DOWN PAGE, CITATION THAT IS CON-
SIDERED BINDING. GARNES SHOULD
BE GRANTED IMMEDIATE RELIEF.
DISCIPLINARY SHOULD BE EXPUNGED
AND GOODTIME CREDITS RESTORED.

DONE THIS 18TH DAY OF NOVEMBER, 2005

Respectfully,

Wynona Diner

GARRETT GARNES

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DONE THIS 18TH DAY OF NOVEMBER, 2005

Wynona Diner

GARRETT GARNES